



MAY 25 2005

KILPATRICK STOCKTON LLP
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In re application of :
Ronald Coleman :
Application No. 09/697,497 :
Filed: October 27, 2000 :
For: METHOD AND SYSTEM FOR USING A :
BAYESIAN BELIEF NETWORK TO :
ENSURE DATA INTEGRITY :

**DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT**

The Petition to Reset a Period for Reply filed November 24, 2004 is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 as the period for reply has now expired and the case is now abandoned. There is no fee required for this petition.

The petition is **DISMISSED**.

A review of the file record reveals that a non-Final Office action was mailed July 14, 2004. No reply to the non-Final Office action mailed July 14, 2004 was received by the Office. The case is now abandoned; however, no notice of abandonment has been sent.

Applicant states that non-Final Office action mailed July 14, 2004 was never received.

There is a strong presumption that Office communications properly addressed and delivered to the United States Postal Services, are in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

- (1) A statement from the practitioner stating the Office communication was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and
- (3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The docket records indicated above must include **a copy of the list of all responses in the practitioner's office to which the action was properly sent with the due date at and**

around October 14, 2004. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (November 16, 1993).

The petitioner has failed to comply with requirement (2) and (3) indicated above. Applicant has only set forth that the non-Final Office action was not received. Applicant has not provided a complete docket record with a copy of the list of all responses in the practitioner's office to which the action was sent with the due date at and around October 14, 2004 is required.

Petitioner's evidence of non-receipt of the Office action mailed July 14, 2004 is insufficient to withdraw the holding of abandonment, and the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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SNM/jwk: 5/24/05